

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA,

-against-

MICHAEL PEARSE AND YONGCHAO LIU,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/4/2021

15 Cr. 616-4 (AT)
15 Cr. 616-5 (AT)

ORDER

The initial conferences in this action scheduled for February 9, 2021, are ADJOURNED to **February 11, 2021**. The conferences will proceed telephonically. *See In re Coronavirus/Covid-19 Pandemic*, 20 Misc. 176, ECF No. 3 (S.D.N.Y. Dec. 18, 2020) (Criminal proceedings “cannot be conducted in person without seriously jeopardizing public health and safety, and thus video conferencing, or telephone conferencing if video conferencing is not reasonably available, may be used in such proceedings with the consent of the defendant”). Defendant Liu’s initial conference will proceed at **9:00 a.m.** and Defendant Pearse’s initial conference will proceed at **10:30 a.m.**

At the time of the conference, the parties are directed to dial 888-398-2342 or 215-861-0674, and enter access code 5598827. Co-counsel, members of the press, and the public may access the audio feed of the conference by using the same information. All of those accessing the conference—whether in listen-only mode or otherwise—are reminded that recording or rebroadcasting of the proceeding is prohibited by law.

If possible, defense counsel shall discuss the attached Waiver of Right to be Present at a Criminal Proceeding with Defendants prior to the proceedings. If the Defendant consents, and is able to sign the form (either personally or, in accordance with Standing Order 20 Misc. 174 of March 27, 2020, by defense counsel), defense counsel shall e-mail the executed form to chambers **at least 24 hours prior to the proceeding**. In the event the Defendant consents, but counsel is unable to obtain or affix the Defendant’s signature on the form, the Court will conduct an inquiry at the outset of the

proceeding to determine whether it is appropriate for the Court to add the Defendant's signature to the form.

The time between February 9, 2021, and February 11, 2021, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), because the ends of justice served by excluding such time outweigh the interests of the public and Defendants in a speedy trial in that this will allow the Court to schedule a remote proceeding in light of the ongoing public health crisis caused by COVID-19.

SO ORDERED.

Dated: February 4, 2021
New York, New York



ANALISA TORRES
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

**WAIVER OF RIGHT TO BE
PRESENT AT CRIMINAL
PROCEEDING**

15 Cr. 616 (AT)

_____,
Defendant.

-----X

Defendant _____ hereby voluntarily consents to participate in the following proceeding via teleconferencing:

- ___ Initial Appearance/Appointment of Counsel
- ___ Arraignment (If on Felony Information, Defendant Must Sign Separate Waiver of Indictment Form)
- ___ Preliminary Hearing on Felony Complaint
- ___ Bail/Revocation/Detention Hearing
- ___ Status and/or Scheduling Conference
- ___ Misdemeanor Plea/Trial/Sentence

Defendant's Signature

Defense Counsel's Signature

(Judge may obtain verbal consent on
Record and Sign for Defendant)

Print Defendant's Name

Print Defense Counsel's Name

This proceeding was conducted by reliable teleconferencing technology.

Date

U.S. District Judge